

CASE NO.: 50T5576.02

Serial No.: 10/663,420

March 16, 2007

Page 6

PATENT

Filed: September 16, 2003

Remarks

Reconsideration of the above-captioned application is respectfully requested. All previously pending claims (1-23) have been rejected under 35 U.S.C. §102 as being anticipated by Moroney et al., USPN 5,949,795, which does not teach using a time-averaged buffer occupancy level to establish a clock rate as now set forth in the amended independent claims.

Moroney et al. teaches a system that selects a clock frequency from a set of discrete clock frequencies based on the instantaneous buffer fullness as acknowledged in the Office Action on page 3, line 10. Consequently, the allegation on line 9 that Moroney et al. teaches a time-averaged buffer level for clock rate control is puzzling, and the subsequent citations to Moroney et al., col. 6, lines 32-67, col. 7, lines 1-34, and col. 8, lines 37-54 nowhere mention the concept of averaging the buffer level for clock rate control.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

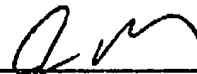
The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

1102-94.AMD

CASE NO.: 50T5576.02
Serial No.: 10/663,420
March 16, 2007
Page 7

PATENT
Filed: September 16, 2003

Respectfully submitted,



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